

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

ORDER

v.

7:21-CR-00584 (PMH)

FRANCIS HUGHES,

Defendant.

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PHILIP M. HALPERN, United States District Judge:

On August 16, 2022, Defendant Francis Hughes pled guilty to receipt and distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(B) and (b)(1). On July 18, 2023, the Court sentenced Defendant to 60 months in prison, followed by 10 years of supervised release. (Doc. 65). On March 19, 2025, Defendant filed a Motion for Return of Property (“Motion”) pursuant to Fed. R. Crim. P. 41(g). (Doc. 80). On April 8, 2025 and June 6, 2025, the Government submitted letters in response to Defendant’s Motion. (Docs. 82 and 83).

Defendant seeks the return of the property referenced in Exhibits A, B and C of his Motion. The Government represents that the following items seized from the Defendant are currently in the possession of the FBI:¹

1. Two 1GB SanDisk thumb drives
2. One black Moxnice model P63 tablet with tablet case
3. One Muama wireless router serial #458890
4. One red Alcatel onetouch cell phone
5. One HP Desktop Tower, s/n: 2UA0150L1M
6. One Dell Desktop Tower, s/n: JVF9KK1
7. One Samsung S9 cell phone, s/n: R38KZ0FV6SP
8. One Silver iPad, s/n: GCGVT17CHLJL
9. One Sony Digital Camera, s/n: 386273
10. One Dell PC Tower, s/n: 84PRP52

¹ The Government states that this list conforms to the items described in Exhibits A, B and C of the Motion except for the item described in Exhibit A as “1 Laptop Computer.” The FBI did not seize a laptop computer from Defendant.

11. One iPad Model A1474, s/n: DLXLJHF2FK10

The Government agrees that Items 1, 2, 3, 4, 6, 9 and 10 can be returned to the Defendant. The Government argues that Items 5, 7, 8 and 11 contain child pornography and cannot be returned to the Defendant. A defendant is not entitled to property that is contraband under Fed. R. Crim. P. 41(g). *See Ferreira v. United States*, 354 F. Supp. 2d 406, 409 (S.D.N.Y. 2005). Therefore, the Government is not required to return Items 5, 7, 8 and 11 to Defendant.

Defendant also seeks a digital copy of the data on his Samsung Galaxy phone (Item 7). However, Rule 41(g) only allows for the return of property. The Government is not required to perform other actions in connection with that property. *See Matta v. United States*, 753 F. Supp. 3d. 194, 214 (E.D.N.Y. 2024). Therefore, the Government is not required to provide the Defendant with a digital copy of the data on his Samsung Galaxy phone.

CONCLUSION

Accordingly, Defendant's Motion is GRANTED in part and DENIED in part. The Government is directed to return the following property to Defendant: two 1GB SanDisk thumb drives; one black Moxnice model P63 tablet with tablet case; one Muama wireless router serial #458890; one red Alcatel onetouch cell phone; one Dell Desktop Tower, s/n: JVF9KK1; one Sony Digital Camera, s/n: 386273; and one Dell PC Tower, s/n: 84PRP52.

Within 30 days of the date of this Order, the Government shall return the property to the following individual designated by the Defendant: Ms. Eileen Hughes, 1215 Avenue 0, Apartment 6T, Brooklyn, NY 11230 (Phone Number: 680-223-8117).

The Clerk of Court is respectfully directed to terminate the pending motion (Doc. 80), and to mail a copy of this Order to Defendant at # 88101-054, FCI Fort Dix, P.O. Box 2000, Joint Base MDL, NJ 08640.

SO ORDERED:

Dated: White Plains, New York
June 12, 2025


Philip M. Halpern
United States District Judge